

644/1645

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Applicati n Number	09/754,947
Filing Date	January 4, 2001
First Named Inventor	Lee, Bruce A.
Group Art Unit	1645
Examiner Name	P. Baskar
Attorney Docket Number	014907-003310US

RECEIVED

MAR 15 2002

TECH CENTER 1600/2900

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
--	--	--

COPY OF PAPER: ORIGINALLY FILED

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Matthew E. Hinsch	Reg. No. 47,651
Signature		
Date	January 25, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:		
January 25, 2002		
Typed or printed name	Joy M. Marshall	
Signature		Date
		January 25, 2002

Electron/# 8
J 3/19/02

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
Attorney Docket No.: 014907-003310US

Assistant Commissioner for Patents
Washington, D.C. 20231

On January 25, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Joy M. Marshall

RECEIVED

MAR 15 2002

TECH CENTER 1600/2900

COPY OF PAPERS
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LEE et al.

Application No.: 09/754,947

Filed: January 4, 2001

For: ASSAYS FOR DETECTION OF
BACILLUS ANTHRACIS

Examiner: P. Baskar

Art Unit: 1645

RESPONSE TO RESTRICTION
REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants submit this Response with reference to the Office Communication mailed December 28, 2001. Applicants hereby elect with traverse the claims of Group I (claims 1-30).

REMARKS

Restriction of claims in a patent application is discretionary. A restriction requirement is made to avoid placing an undue examination burden on the Examiner and the Patent Office. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, MPEP § 803. In



RECEIVED

MAR 15 2002

TECH CENTER 1600/2900

PATENT

LEE et al.

Application No.: 09/754,947

Page 2

establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that examination of the claims in Groups I-II in the present application would not create an undue burden.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Matthew E. Hinsch

Reg. No. 47,651

COPY OF PAPERS
ORIGINALLY FILED

TOWNSEND and TOWNSEND and CREW LLP

Two Embarcadero Center, 8th Floor

San Francisco, California 94111-3834

Tel: (415) 576-0200

Fax: (415) 576-0300

MEH

SF 1311617 v1